

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UCHEMMADU NWAOGU,

Petitioner,

-against-

WARDEN SUPERINTENDENT NYC –  
DEPARTMENT OF CORRECTION; HON.  
ERIC GONZALEZ; ADA ANDREW  
GRUNA; HON. RIVIEZZO DINEED;  
HON. PETERSEN KIM; HON. CHU  
PHYLLIS; KINGS COUNTY SUPREME  
COURT; DANIEL NWALOR,

Respondents.

25-CV-5716 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, currently incarcerated in the North Infirmary Command on Rikers Island, brings this *pro se* petition for a writ of *habeas corpus*, pursuant to 28 U.S.C. § 2241. He is challenging the lawfulness of his detention, arising from criminal proceedings pending in Brooklyn, Kings County, New York. For the following reasons, this petition is transferred to the United States District Court for the Eastern District of New York.

**DISCUSSION**

A court entertaining a *habeas corpus* petition under Section 2241 must have jurisdiction over the petitioner's custodian. *See Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 494-95 (1973) (explaining that a writ of *habeas corpus* does not act upon the prisoner who seek relief, but upon his or her custodian). Thus, the jurisdiction of such a petition challenging a petitioner's physical confinement generally lies in the district of his confinement. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004).

Petitioner is currently detained on Rikers Island, which is located in the East River between Bronx and Queens Counties, and is generally understood to be part of both the Southern and Eastern Districts of New York, concurrently. *See* 28 U.S.C. § 112(b)-(c); *see also Jones v. Dunbar*, No. 21-CV-6036, 7, at 2 (E.D.N.Y. Nov. 4, 2021) (“[B]oth the Southern and Eastern Districts have jurisdiction to hear *habeas* petitions from people incarcerated [on] Rikers” Island.). Thus, both this court, and the United States District Court for the Eastern District of New York have jurisdiction to consider this Section 2241 *habeas corpus* action.

Petitioner’s criminal proceedings are pending in the Criminal Part of the New York Supreme Court, Kings County, under Indictment No. 72866/23. The New York Supreme Court, Kings County, falls within the Eastern District of New York, 28 U.S.C. § 112(c). Furthermore, Petitioner previously filed an identical Section 2241 petition in this court, and, by order dated June 2, 2025, the Court transferred that action to the Eastern District of New York. *See Uchemmadu v. Warden*, ECF 1:25-CV-4487, 3 (LTS) (S.D.N.Y. June 2, 2025). That petition is currently pending in the Eastern District of New York under docket number 1:25-CV-3345 (PK) (E.D.N.Y.).

While this court has jurisdiction to consider this action, because Petitioner’s custodian is located in the Eastern District of New York, his criminal proceedings are pending in that district, and the Court has previously transferred an identical Section 2241 filed by Petitioner to that district, the Court transfers this *habeas corpus* action, in the interest of justice, to the United States District Court for the Eastern District of New York. *See* 28 U.S.C. § 1404(a).

### CONCLUSION

The Court transfers this *habeas corpus* action, in the interest of justice, to the United States District Court for the Eastern District of New York. *See* 28 U.S.C. § 1404(a). Whether

Petitioner should be permitted to proceed further without payment of the fee is a determination to be made by the transferee court. This order closes this case in this court.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 17, 2025  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge